

TOWN BOARD MEETING
 WEDNESDAY, OCTOBER 3, 2007; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey,
 Councilwoman, Weyant, Councilwoman Biasotti

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Deputy Police Chief Hovey
 Town Attorney Blythe, Highway Superintendent
 Fayó

Supervisor Green called to order the Town Board meeting and presided over same.

1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearings regarding Sewer Assessment Roll for the Year 2008 and Empire State Development Corporation Restore NY Communities Initiative, and the Minutes of the Town Board Meeting all held on September 5, 2007, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

2 On Agenda: Motion - Authorize Town Clerk to Publish Display Ad - Snow Removal Law

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Town Clerk to publish a display ad in The Sentinel with reference to both roadway and sidewalk snow removal laws and requesting that residents clear fire hydrants on their property for the Fire Departments.

Roll Call: All Ayes

Motion Carried: 4-0

WATER DEPARTMENT

SANITATION DEPARTMENT

GENERAL

3 On Agenda: Motion – Authorization to Advertise Public Hearing – Proposed 2008 Budget

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for a Public Hearing to be held on the 7th day of November 2007 at 7:00 P.M. in the New Windsor Town Hall, 555 Union Avenue, New Windsor, NY, to hear all persons of the Town of New Windsor interested in the proposed 2008 Budget.

Roll Call: All Ayes

Motion Carried: 4-0

4 On Agenda: Motion – Authorize Resolution Regarding Halloween Curfew

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the following resolution regarding a Halloween Curfew:

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WHEREAS, past history has shown that Halloween celebration has gone beyond that of ordinary merriment and acceptable pranks, and Town Police Officers have received complaints of violence and vandalism and,

WHEREAS, Town Police Officers have been informed of threats of such acts through this period and have been informed of the concerns of citizens residing in areas historically prone to such acts and,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor place into effect a curfew beginning 6:00 P.M. Tuesday, October 30, 2007 and ending 6:00 A.M. Thursday, November 1, 2007, and

BE IT ORDERED, that such curfew shall apply to all minors (persons under the age of 18), except those traveling to or from bona fide employment, school activity or medical emergency; those in the company of a parent, guardian or person in locus parentis; and

BE IT ORDERED, that the following acts are prohibited:

1. That between the hours of 9:00 P.M. and 6:00 A.M. the following morning all such minors shall refrain from congregating on public streets, public or private property without the permission of the owner or person in control of such property
2. From trespassing upon property of the Town of New Windsor between the hours of 6:00 P.M. and 6:00 A.M. the following morning unless participating in an organized event of the Town of New Windsor
3. Being in possession on any street or public place of shaving cream, eggs, soap, rocks, spray paint, flammable or noxious chemicals, weapons of any kind, or other item that could reasonably be used to cause vandalism or bodily injury, at any time during the curfew period, and

BE IT ORDERED, that any person knowingly violating these orders may be arrested and treated pursuant to the applicable status of the Laws of the State of New York.

Nothing herein shall be construed as to prohibit the normal and lawful travel of any person upon the streets and highways within the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 4-0

5 On Agenda: Motion – Authorize Renewal Of Solicitors Permit

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the renewal of a Veteran Solicitors Permit submitted by Nicholas Minutolo, 23 Coach House Court, New Windsor, New York, to sell food items on property owned by William F. Helmer located on Route 207, New Windsor. Permit shall be obtained from the Town Clerk's Office and the permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 4-0

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6 On Agenda: Motion – Authorization To Advertise For Requests For Proposal – Complete Emergency Generator And Transfer Switch Purchase And Installation – Information Technology Snake Hill Radio Tower

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed proposals for Complete Emergency Generator & Transfer Switch Purchase and Installation for Information Technology's Snake Hill Radio Tower. The proposals are to be received and publicly opened at 2:00 P.M. in the Town Clerk's office in Town Hall, 555 Union Avenue, New Windsor, New York on the 25th day of October 2007. The Town Board reserves the right to reject any or all proposals.

Roll Call: All Ayes

Motion Carried: 4-0

7 On Agenda: Receive and File Irrevocable Offer of Dedication – Sloop Hill Associates LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication dated April 12, 2007, from Sloop Hill Associates, LLC to Town of New Windsor and recorded in the Orange County Clerk's office on the May 21st, 2007, as File #20070058048 for new termination of Sloop Hill Road.

8 On Agenda: Receive And File Correction Deed – BDE Development Corp.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Correction Deed from B.D.E. Development Corp., to Town of New Windsor, dated August 30, 2006, and recorded in the Orange County Clerk's Office on the 16th day of May, 2007, as File #20070056198. Said deed corrected the name of the grantor from BDE Development Inc. to BDE Development Corp.

9 On Agenda: Receive And File Notice Of Claim – Sergiu Liveanu V. Town Of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of "Sergiu Liveanu v. Town of New Windsor", same being referred to the Town Attorney.

#10 On Agenda: Receive And File Sixth Amendment to Lease – Town of New Windsor and Verizon New York, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file sixth amendment to lease between Town of New Windsor and Verizon New York, Inc., for the lease of premises known as 1004 Breunig Street, New Windsor, New York at the rate of \$40,000.00 annually. Said lease amendment expires May 31, 2008.

#11 On Agenda: Receive And File Performance Bond – Mt. Airy Estates Subdivision, Phase VIII

Hearing no objection, the Town Board of the Town of New Windsor receive and file Rider to Bond #0447404 from International Fidelity Insurance Company in the amount of \$950,510.00 for Phase VIII of the Mt. Airy Estates Subdivision as authorized by the Town Board on September 5, 2007.

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#12 On Agenda: Receive And File Performance Bond – Mt. Airy Estates Subdivision, Phase II

Hearing no objection, the Town Board of the Town of New Windsor receive and file Performance Bond #0455921 from International Fidelity Insurance Company in the amount of \$38,952.00 for Phase II of the Mt. Airy Estates Subdivision as authorized by the Town Board on September 5, 2007.

#13 On Agenda: Motion - Authorize Public Improvement Bond – Gateway Medical Plaza

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Public Improvement Bond for Gateway Medical Plaza (PB #06-29), in the amount of \$163,354.00 plus an inspection fee of \$6,534.16, representing 4% of the public improvement bond amount, as recommended by the Town Engineer, McGoey, Hauser & Edsall, Consulting Engineers, P.C., by letter dated October 3, 2007.

Roll Call: All Ayes

Motion Carried 4-0

#14 On Agenda: Receive And File Performance Bond – Gateway Medical Plaza

Hearing no objection, the Town Board of the Town of New Windsor receive and file Performance Bond #082330 from Berkley Regional Insurance Company in the amount of \$163,354.00 for Gateway Medical Plaza (PB #06-29) as authorized by the Town Board on October 3, 2007.

#15 On Agenda: Motion – Adopt Statement Of Negative Declaration Under SEQRA – Ground Soil & Related Environmental Remediation (Town Highway Garage)

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, on or about May 17, 2006, the Town became aware of a petroleum leak at the Town Highway Garage, 857 Union Avenue, New Windsor, New York; and

WHEREAS, the Town Board met in emergency session and took immediate steps to authorize the remediation of the spill; and

WHEREAS, the Town entered into a Stipulation of Agreement with the New York State Department of Environmental Conservation pursuant to Section 17-0303 of the Environmental Conservation Law and Section 176 of the Navigation Law; and

WHEREAS, the Town Board determined the remediation costs would exceed any amount available in the normal course of the budget and would have to be bonded; and

WHEREAS, the Town Engineer has identified the total cost to remediate the spill to be \$1,100,000.00; and

WHEREAS, the Town Board now wishes to issue a bond or bond anticipation notes in the amount of \$1,100,000.00 to reimburse the Town for expenditures made for all purposes for which the bond or bond anticipation notes are authorized both before and after the date of this Resolution; and

WHEREAS, the Town Board of the Town of New Windsor has duly considered a Short Environmental Assessment Form for this project; and

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WHEREAS, the Town of New Windsor is the only involved agency and desires to designate itself as the Lead Agency for the project under the provisions of SEQRA;

NOW THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Town Board of the Town of New Windsor hereby authorizes the Supervisor to execute the Short Environmental Assessment Form; and
2. The Town Board of the Town of New Windsor hereby designates itself as the Lead Agency for SEQRA purposes; and
3. The Town Board of the Town of New Windsor, having duly considered the matter, finds that the proposed Bond Resolution will not have an adverse impact on the environment and hereby declares a negative declaration for the project pursuant to SEQRA.

Roll Call: All Ayes

Motion Carried 4-0

#16 On Agenda: Motion – Authorize Adoption Of Bond Resolution – Ground Soil And Related Environmental Remediation – (Town Highway Garage)

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the issuance of serial bonds or bond anticipation notes in the amount of \$1,100,000.00 in accordance with the Resolution attached hereto entitled “Bond Resolution of the Town of New Windsor, New York, Adopted October 3, 2007, authorizing the remediation of ground soil and related environmental remediation at the Highway Department site, pursuant to a Stipulation between the Town and the New York State Department of Environmental Conservation pursuant to Section 17-0303 of the Environmental Conservation Law and Section 176 of the Navigation Law, stating the estimated maximum cost thereof is \$1,100,000.00, appropriating said amount therefore, and authorizing the issuances of \$1,100,000.00 serial bonds of said Town to finance said appropriation”, and the Town Clerk is directed to publish the Resolution according to law.

Roll Call: All Ayes

Motion Carried 4-0

#17 On Agenda: Motion – Authorize Advertising For Request For Proposals To Assist In Preparation Of Base Reuse Plan – Stewart Airport

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor acting as the Local Redevelopment Authority, authorize the Supervisor to advertise for proposals to be returned to the Town Clerk at 555 Union Avenue, New Windsor, New York on or before October 25, 2007 at 10:00 A. M. to assist in the preparation of the Base Reuse Plan – United States Army Reserve Center at Stewart Airport, Town of New Windsor, Orange County, New York. The Local Redevelopment Authority of the Town of New Windsor reserves the right to reject any or all proposals.

Roll Call: All Ayes

Motion Carried 4-0

#18 On Agenda: Receive and File Application for Senior Citizen Housing Project – Knox Village Associates (Knox Village Adult Community)

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Application submitted by Knox Village Associates for a senior citizen housing project on NYS Route 32 (Knox Village Adult Community – Section 70, Block 1, Lot 49.2) same to be subject to a report from the Town of New Windsor Planning Board in accordance with Town Code Section 300-18.

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#19 On Agenda: Receive And File Supplement To Application For Senior Citizen Housing Project – Knox Village Associates (Knox Village Adult Community)

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Supplement to Application (conceptual site plan; site plan; typical building layout) submitted by Knox Village Associates for a senior citizen housing project on NYS Route 32 (Knox Village Adult Community – Section 70, Block 1, Lot 49.2) same to be subject to a report from the Town of New Windsor Planning Board in accordance with Town Code Section 300-18.

#20 On Agenda: Receive And File Supplement To Application For Senior Citizen Housing Project (Project Narrative And Bedroom Count) – Vesely Estates At Stephens Woods

Hearing no objection, the Town Board of the Town of New Windsor receive and file Supplement to Application (project narrative & bedroom count) submitted by Vesely Estates at Stephens Woods for a senior citizen housing project on Moores Hill Road (Section 32, Block 2, Lot 15) same to be subject to a report from the Town of New Windsor Planning Board in accordance with Town Code Section 300-18.

#21 On Agenda: Receive And File Supplement To Application For Senior Citizen Housing Project (Utilities) – Vesely Estates At Stephens Woods

Hearing no objection, the Town Board of the Town of New Windsor receive and file Supplement to Application (utilities) submitted by Vesely Estates at Stephens Woods for a senior citizen housing project on Moores Hill Road (Section 32, Block 2, Lot 15) same to be subject to a report from the Town of New Windsor Planning Board in accordance with Town Code Section 300-18.

#22 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of August 2007
Fire Prevention	Month of September 2007
Justice Richard Thorpe	Month of September 2007
Justice Donald Suttlehan	Month of September 2007
Receiver of Taxes (Water-Sewer-Garbage)	Month of September 2007
Recreation Department	Month of September 2007
Town Clerk	Month of September 2007

#23 On Agenda: Public Forum

Supervisor Green asked if any of the Town Board members had any comments they wished to make and then opened the public forum portion of the meeting.

Bill Steidle, Jackson Avenue, submitted a petition opposing the proposed Jackson Avenue Reconstruction Project consisting of forty one pages of signatures. Besides the rising cost of the project, he also said he believed that the road reconstruction would turn that road into a speedway. He said that in the past he and the former Jackson Avenue Homeowner's Association had requested the NYS Department of Transportation lower the speed limit to 30 miles per hour. The DOT did lower the speed limit to 40 miles per hour and it has remained that way since. He said he realizes this project is leftover from the previous administration and not Supervisor Green's idea. Mr. Steidle fees that from the start of the project, no consideration was given to the residents of the area or the environmental impact of the project. He said he has gotten an overwhelming response from people who are also opposed to the Jackson Avenue project and he also feel it is destructive and wasteful of taxpayer money.

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Supervisor Green thanked Bill Steidle for his efforts. He said he is hoping to be able to reallocate some of the money because there are certain areas on Jackson Avenue that do need some repair work. He and the Town Attorney have also been trying to clarify the process of lowering the speed limit on certain roads in Town where the DOT has set speed limits which do not match the speed limits in an adjoining town. He said that the Town will also probably have to invest in a traffic study.

Leo Braun spoke about the speed limit on Jackson Avenue and Station Road and said that in some spots even 35 miles per hour was too fast for those roads.

Supervisor Green said that every one single one of our rural roads coming from any other Town is 30 miles per hour, but the minute you cross into the Town of New Windsor the speed limit jumps to 40 miles per hour. The Supervisor feels that this jump in speed limit has absolutely no justification, it is totally arbitrary and capricious on the DOT's part; he also said he would have no objection to filing an Article 78 against the State if the Town is not successful in lowering the speed limit in any other way.

Mr. Waugh, a Jackson Avenue resident, spoke about getting the speed limit lowered and about the number of large trucks that use Jackson Avenue even with the weight limit signs which are posted.

Eric Rafael gave the Supervisor and Town Board copies of materials he had relating to cell towers. He asked that the Supervisor arrange a meeting within the next ten days with Nextel, the fire department and those residents who are concerned about the proposed cell tower to find a solution and discuss alternative cell tower sites. He also said that police department is doing an excellent job. Supervisor Green said that a solution would be found but not within the next ten days.

Carolyn Warren of Greenwood Lake said that she came to support Bill Steidle and the preservation of Jackson Avenue's rural character.

Kirk Williams asked about the spill at the Highway Garage and how often the tanks are tested. Supervisor Green said that there are no underground tanks left, they had been removed in 1988 and it was a very small piece of pipe which ran underground to the pump and was not in containment that leaked causing the current problem. The DEC was called in immediately, but the ground will have to be monitored for years to come. So far the Town has put in a fuel monitoring system and every piece of equipment is now within containment. These things have cost the town \$1.1 million dollars and we don't know if the cost can be recovered. Supervisor Green also said the man from the DEC, Dave Traver, has been wonderful during this situation.

Diane Newlander wanted to know if the DEC was going to fine the Town and if there was any grant money available to help cover the cost of the remediation. Supervisor Green said that there probably would be no fine, however the town would have to reimburse the DEC for some expenses and there would also be administrative fees. No public funds are available for a municipal recovery. Diane also said that she was in support of Bill Stiedle's position on the Jackson Avenue reconstruction.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the public forum.

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

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#24 On Agenda: Adjourn

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:00 P.M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc